

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-05 H-01

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 /058 W

-----078713 042124Z /64

R 040808Z AUG 77

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 3305

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E. O. 11652: NA

TAGS: SHUM, PINT, RP

SUBJECT: HERRERA CASE

REF: MANILA 11653

1. AT AUGUST 2 RESUMPTION OF COURT MARTIAL OF LIEUTENANTS MATILLANO AND REGIS, COURT REVERSED EARLIER DECISION TO ALLOW A BICUTAN DETAINEE TO TESTIFY MATILLANO TORTURED HIM. PROSECUTION HAD HOPED TO CALL THREE BICUTAN DETAINEES AS WITNESSES AGAINST MATILLANO, IN ORDER TO ESTABLISH TORTURE OF MRS. HERRERA BY MATILLANO PART OF PATTERN (SEE REFTEL). LAW MEMBER OF MILITARY TRIBUNAL, CAPT DAVID ALFECHE, HAD RULED AT LAST HEARING (JULY 27) THAT ONE THE THE THREE, JOSE KITCHING, COULD TESTIFY. AT OPENING OF AUGUST 2 SESSION, ALFECHE REITERATED PREVIOUS RULING AND ASKED IF THERE WERE ANY OBJECTIONS. ONE MEMBER OF TRIBUNAL RAISED HAND. COURT THEN ADJOURNED TO MEET IN CLOSED SESSION, EMERGING AFTER ONE HOUR TO ANNOUNCE DECISION BY MAJORITY VOTE NOT TO ALLOW KITCHING TESTIMONY. COURT RULED THAT, INSTEAD, WRITTEN TESTIMONY OF ALL THREE DETAINEES COULD BE SUBMITTED AS "OFFERS OF EVIDENCE." PROSECUTION THEN RESTED ITS CASE.

2. REVERSAL OF LAW MEMBER'S EARLIER DECISION PROMPTED

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MRS. HERRERA'S CIVILIAN ATTORNEY, FORMER SENATOR FRANCISCO RODRIGO, TO SEND SCATHING LETTER TO TRIBUNAL FOLLOWING DAY (AUGUST 3). RODRIGO ARGUED THAT UNDER COURT MARTIAL PROCEDURES RULINGS OF LWA MEMBER ON ADMISSIBILITY OF EVIDENCES ARE FINAL. RODRIGO INFORMED COURT HE WILL CONTINUE TO GIVE MRS. HERRERA LEGAL ADVICE, BUT WILL NO LONGER PERSONALLY ATTEND HEARINGS, IN ORDER "TO SHOW MY

DISSATISFACTION AT THE WAY THE TRIAL IS BEING CONDUCTED."

3. AUGUST 3 SESSION, WHICH RODRIGO DID NOT ATTEND, WAS
UNEVENTFUL. DEFENSE FILED PRO FORMA MOTIONS FOR RULING
OF NOT GUILTY AND ARGUED IN FAVOR OF MOTIONS FOR ONE HOUR.
COURT THEN ADJOURNED UNTIL AUGUST 8.

4. COPIES OF THREE RECENT RODRIGO LETTERS TO THE COURT
BEING POUCHED EA/PHL.
STULL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COURTS MARTIAL, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 04-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Handling Restrictions: n/a
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
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Previous Handling Restrictions: n/a
Reference: 77 MANILA 11653
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 23-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1709841
Secure: OPEN
Status: NATIVE
Subject: HERRERA CASE
TAGS: SHUM, PINT, RP, (HERRERA, TRINIDAD), (MATILLANO), (REGIS)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/b4a4fc61-c288-dd11-92da-001cc4696bcc
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